

**REGULAR**

**NUMBER: 38.769**

**TITLE: AN ORDINANCE OF THE CITY OF MILPITAS ENACTED  
AS AN AMENDMENT TO CHAPTER 10, TITLE XI OF  
THE MILPITAS MUNICIPAL CODE**

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of December 5, 2006, upon motion by Vice Mayor Livengood and was adopted (Second reading) by the City Council at its meeting of \_\_\_\_\_ upon motion by Councilmember \_\_\_\_\_. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals and Findings.

- A. Pursuant to Government Code section 65853 and 65854, the Planning Commission of the City of Milpitas held a properly noticed public hearing on November 8, 2006 to consider the amendment to Title XI, Chapter 10 of the Milpitas Municipal Code related to the mixed use residential, commercial and dental office project at 1880 North Milpitas Boulevard (ZC2005-1). In accordance with Government Code section 65855, the Planning Commission has rendered a decision in the form of a written recommendation (staff report of November 8, 2006 recommended for approval), which was presented to the City Council prior to consideration of this Ordinance.
- B. Upon receipt of the Planning Commission's written recommendation, the City Council held a properly noticed public hearing on December 5, 2006.
- C. The City Council finds that this Ordinance does not render Title XI, Chapter 10 inconsistent with the City of Milpitas General Plan.

SECTION 2. The *Zoning Map* of the City of Milpitas, which was adopted as part of Ordinance No. 38, enacted as Title XI Chapter 10 (Planning, Zoning and Annexation) of the Milpitas Municipal Code is hereby *amended by adding a new Sectional District Map No.558*, which includes the zone change of one parcel (APN: 026-25-024) from Neighborhood Commercial (C1-S) to Mixed-Use (MXD-S), a copy of which is attached as Exhibit A incorporated herein by reference.

SECTION 3. Publication and Effective Date. This ordinance shall take effect 30 days following its passage, and prior to the expiration of 15 days of the passage thereof shall be published at least once in a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.

SECTION 4. Severability. In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.